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### ***REMARKS***

This is a full and timely response to the outstanding non-final Office Action mailed May 16, 2006. Upon entry of the amendments in this response claims 1-22 are pending. More specifically, claims 1 and 13 are amended. These amendments are specifically described hereinafter.

#### **I. Present Status of Patent Application**

Claims 1-22 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by *Wasilewski* (U.S. Patent No. 5,418,782). To the extent that these rejections have not been rendered moot by the cancellation of claims, they are respectfully traversed.

#### **II. Rejections Under 35 U.S.C. §102(b)**

##### **A. Claims 1-12**

The Office Action rejects claims 1-12 under 35 U.S.C. §102(b) as allegedly being anticipated by *Wasilewski* (U.S. Patent No. 5,418,782). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 1**, as amended, recites:

1. A method for providing an instance in a conditional access system, the method comprising the steps of:

*selecting for encryption a digital bit stream from a plurality of digital bit streams using an identifier;*

encrypting the selected digital bit stream according to a first level encryption method to provide an encrypted instance;

combining the encrypted instance with the plurality of digital bit streams to provide a partially-encrypted bit stream; and

transmitting the partially-encrypted bit stream.

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(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 as amended is allowable for at least the reason that *Wasilewski* does not disclose, teach, or suggest at least **selecting for encryption a digital bit stream from a plurality of digital bit streams using an identifier**. Even if, arguendo, *Wasilewski* discloses choosing which packets are to be multiplexed into the transmission stream, it fails to teach selecting for encryption a digital bit stream from a plurality of digital bit streams using an identifier. Therefore, *Wasilewski* does not anticipate independent claim 1, and the rejection should be withdrawn.

Because independent claim 1 as amended is allowable over the cited references of record, dependent claims 2-12 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-12 contain all the steps/features of independent claim 1. Therefore, since dependent claims 2-12 are patentable over *Wasilewski*, the rejection to claims 2-12 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-12 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claims 2-12 are allowable.

A. Claims 13-22

The Office Action rejects claims 13-22 under 35 U.S.C. §102(b) as allegedly being anticipated by *Wasilewski* (U.S. Patent No. 5,418,782). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

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**Independent claim 13, as amended, recites:**

13. A method for providing a program in a conditional access system, the method comprising the steps of:

*selecting for encryption a program from a transport stream using an identifier;*  
*encrypting a portion of the program;*  
*combining the encrypted portion and*  
*the remaining portion of the program with the transport stream; and transmitting*  
*the combined stream.*

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 13 as amended is allowable for at least the reason that *Wasilewski* does not disclose, teach, or suggest at least **selecting for encryption a program from a transport stream using an identifier**. Even if, arguendo, *Wasilewski* discloses choosing which packets are to be multiplexed into the transmission stream, it fails to teach least selecting for encryption a program from a transport stream using an identifier. Therefore, *Wasilewski* does not anticipate independent claim 13, and the rejection should be withdrawn.

Because independent claim 13 as amended is allowable over the cited references of record, dependent claims 14-22 (which depend from independent claim 13) are allowable as a matter of law for at least the reason that dependent claims 14-22 contain all the steps/features of independent claim 13. Therefore, since dependent claims 14-22 are patentable over *Wasilewski*, the rejection to claims 14-22 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 13, dependent claims 14-22 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claims 14-22 are allowable.

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### **III. Miscellaneous Issues**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

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***CONCLUSION***

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-22 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



Benjamin A. Balser, Reg. No. 58,169

THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500